<u>REMARKS</u>

This Application has been carefully reviewed in light of the Office Action mailed April 18, 2008. Claims 1-39 were pending in the Application. In the Office Action, Claims 1-39 were rejected. In order to expedite prosecution of this Application, Applicant amends Claims 1, 14, 19, and 30 and cancels Claims 6, 25, and 32 without prejudice or disclaimer. Claims 1-5, 7-24, 26-31, and 33-39 remain pending in the Application. Applicant respectfully requests reconsideration and favorable action in this case.

In the Office Action, the following actions were taken or matters were raised:

<u>SECTION 103 REJECTIONS</u>

Claims 1-5, 7, 8, 10, 11, 14-24, 26, 27, 30, 31, 34, and 36 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0072391 issued to Itoh et al. (hereinafter "*Itoh*") in view of DE Patent Publication No. DE 198 37 642 C1 issued to Raaf (hereinafter "*Raaf*"). Claims 6, 9, 25, ,32, 33, and 35 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Itoh* in view of *Raaf* and in further view of U.S. Patent No. 5,987,336 issued to Sudo (hereinafter "*Sudo*"). Applicant has canceled Claims 6, 25, and 32 without prejudice or disclaimer, thereby rendering the rejection of Claims 6, 25, and 32 moot. Applicant respectfully traverses the remaining rejections of Claims 1-5, 7-24, 26-31, and 33-39.

The Examiner bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. §103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). Additionally, all limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Therefore, no *prima facie* obviousness rejection can be established if the proposed combination does not teach all of the features of the claimed invention. Additionally, rejections based on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *Teleflex Inc. v. KSR Int'l Co.*, 550 U.S. at I, 82 USPQ2d at 1396 (2007).

Of the rejected claims, Claims 1, 14, 19, and 30 are independent. Applicant respectfully submits that each of independent Claims 1, 14, 19, and 30 are patentable over the combination

of *Itoh* in view of *Raaf* and in further view of *Sudo* because the disclosed combination does not appear to disclose or even suggest all of the features of the claimed invention. For example, amended Claim 1 recites "wherein the configuration module is adapted to display <u>an interface to the user identifying a particular biometric associated with the network configuration setting</u>" (emphasis added). The Examiner appears to agree that the combination of *Itoh* in view of *Raaf* does not appear to disclose or even suggest that the configuration module is adapted to display <u>an interface to the user identifying a particular biometric associated with the network configuration setting</u>. (See Office Action, p. 10). However, the Examiner alleges that "*Sudo* configuration module is adapted to display to the user an interface for associating a particular biometric with the network configuration setting (see *Sudo* column 15 line 61 - column 16 line 7)." Applicant respectfully disagrees. The cited portion of *Sudo* is as follows:

> The fourth menu screen W4 in FIG. 27 is used to set a "PLMN (Public Landit Mobile Network)" function. This menu screen displays "Selection mode" and "Search" items. The former is used to select whether the network should be set manually or automatically. The latter is the function that automatically retrieves and displays currently available networks.
>
> The fifth menu screen W5 in FIG. 27 is used to set a "PIN (personal ID number)" function. This menu screen displays "control" and "change" items. The former enables the setting of whether or not the input of an ID number should be essential while operating, thus enabling the setting of whether the network can be used only by particular people. The latter enables an ID number to be changed.

Sudo column 15 line 61 - column 16 line 7.

The above portion of *Sudo* appears to disclose two different screens, W4 and W5. W4 appears to enable the user to perform two functions: 1) select whether the network should be set manually or automatically; and 2) retrieve and display currently available networks. W5 also appears to enable the user to perform two functions: 1) enables the setting of whether or not the input of an ID number should be essential while operating; and 2) enables an ID number to be changed. However, neither the above cited portion nor any other portion of *Sudo* discloses or even suggests associating a particular biometric with the network configuration setting, much less displaying an interface to the user for associating a particular biometric with the network configuration setting. Thus, *Sudo* does not appear to remedy the deficiency of *Itoh* and *Raaf*. However, the Examiner further states "It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have

display the available network to help the user select a network to use (see *Sudo* column 15 line 61 - column 16 line 7). Therefore one would have been motivated to have displayed available network." Even if, *arguendo*, the Examiner's above-quoted statement is true, the Examiner has only alleged that one would have been motivated to have displayed <u>available network[s]</u>. Instead, Claim 1 recites "wherein the configuration module is adapted to display an interface to the user <u>identifying a particular biometric associated with the network configuration setting</u>" (emphasis added). Thus, the Examiner fails to provide a clear articulation of the reason(s) why the claimed invention would have been obvious as required under *KSR*. Accordingly, the Examiner's obviousness rejection cannot be sustained.

Moreover, because the combination of *Itoh* in view of *Raaf* does not appear to disclose or even suggest that the configuration module is adapted to display an interface to the user identifying a particular biometric associated with the network configuration setting, as apparently admitted by the Examiner, and because *Sudo* also does not appear to disclose or even suggest that the configuration module is adapted to display <u>an interface to the user identifying a particular biometric associated with the network configuration setting</u>, the combination of *Itoh*, *Raaf*, and *Sudo* when combined does not appear to disclose or even suggest displaying an interface to the user identifying a particular biometric associated with the network configuration setting. Therefore, the combination of *Itoh*, *Raaf*, and *Sudo* does not appear to disclose or even suggest all limitations of Claim 1. Accordingly, for at least the presented reasons, Claim 1 is patentable over the cited art.

Independent Claims 14, 19, and 30 also recite "wherein the configuration module is adapted to <u>display an interface to the user identifying a particular biometric associated with the network configuration setting</u> " (emphasis added). Therefore, at least for the reasons discussed above in connection with independent Claim 1, Applicant respectfully submits that independent Claims 14, 19, and 30 are also patentable over the combination of *Itoh*, *Raaf*, and *Sudo*.

Claims 2-5, 7-11, 15-24, 26-27, 31, and 33-36 that depend respectively from independent Claims 1, 14, 19, and 30 are also patentable over the combination of *Itoh*, *Raaf*, and *Sudo* at least because they incorporate the limitations of respective Claims 1, 14, 19, and 30 and also add additional elements. Therefore, Applicant respectfully requests that the rejection of Claims 1-5, 7-24, 26-31, and 33-39 be withdrawn.

Claims 12, 13, 28, 29, 38, and 39 were rejected under 35 USC §103(a) as being unpatentable over *Itoh* in view of *Raaf* and in further view of U.S. Patent Publication No. 2004/0151353 issued to Topping (hereinafter *"Topping"*). Applicant respectfully traverses these rejections. As discussed above, Claims 1, 14, 19, and 30 are patentable over the combination of *Itoh*, *Raaf*, and *Sudo*. *Topping* does not appear to remedy at least the deficiencies of the combination of *Itoh*, *Raaf*, and *Sudo* as discussed above. Therefore, because Claims 12, 13, 28, 29, 38, and 39 depend respectively from independent Claims 1, 14, 19, and 30, Applicant respectfully submits that for at least for the reasons discussed above in connection with independent Claim 1, Claims 12, 13, 28, 29, 38, and 39 are patentable over the cited references.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully request reconsideration and full allowance of all pending claims.

No fee is believed due with this response. If, however, Applicant has overlooked the need for any fee with this Response, the Director is hereby authorized to charge any fees or credit any overpayment associated with this Response to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

By: /James L. Baudino/
James L. Baudino
Reg. No. 43,486

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Hewlett-Packard Company
Intellectual Property Administration
P. O. Box 272400
Fort Collins, CO 80527-2400
Tel. 970-898-7917